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COUNTY OF SAN BENITO and SHERIFF  
CURTIS HILL

\*E-FILED ON 1/18/06\*

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PAUL CASAREZ,  
Plaintiffs,

vs.

COUNTY OF SAN BENITO AND  
SHERIFF CURTIS HILL,  
Defendants.

Case No. C04-03658 HRL

**STIPULATION AND ORDER REGARDING  
CONTINUANCE OF TRIAL**

**Current Trial Date: February 6, 2006**  
**Magistrate Judge Howard R. Lloyd**

THE PARTIES HEREBY STIPULATE, THROUGH THEIR ATTORNEYS OF RECORD,  
TO THE FOLLOWING:

1. This case involves claims by a right-foot amputee, Plaintiff PAUL CASAREZ, related to his incarceration at the San Benito County Jail at various brief times in 2002 and 2003. Trial is currently set in this matter for February 6, 2006. This is the second trial-setting. The Final Pretrial Conference is scheduled for January 31, 2006, at 1:30 p.m. The parties mediated, unsuccessfully, on May 31, 2005 with Fred D. Butler, Esq. They had a settlement conference with Magistrate Seeborg on September 27, 2005.

2. Defendants recently moved for summary judgment on Plaintiff's monetary damages claims under the ADA, as well as Plaintiff's state-law premises liability claim against Sheriff Hill. Hearing on the motion occurred January 3, 2006. The parties recently received the Court's Order of January 12, 2006, in which the motion was granted in part, and denied in part.

3. Both parties request and believe a short continuance of the trial is warranted for

several reasons. First, in the wake of the summary judgment Order, both parties are willing to return to a Magistrate Judge for an additional settlement conference. In fact, the parties have agreed to a settlement conference with Magistrate Judge Trumbull for January 25.

4. The parties believe the Court's findings following the summary judgment motion may increase the prospect of settlement as the Order narrowed the issues in dispute for trial. More specifically, certain claims by Plaintiff which could give rise to monetary damages under the ADA were dismissed. On the other hand, Defendants lost on summary judgment with regard to other claims that will now presumably make it to the jury. The parties would like to explore settlement prior to incurring the expense of expert depositions and discovery.

5. A continuance would also be helpful to defense counsel's office in that the office's senior partner has recently gone on full-time medical leave. The redistribution of work has been taxing on the office and resulted in counsel taking on additional files and trials. Defense counsel Michael Serverian presently has two other trials set in February, including a high-exposure claim arising from a pedestrian-versus-train accident. Mr. Serverian will also need to be out of the office during portions of late January to assist a close family member who will be undergoing surgery and requiring hospitalization for between three and five days.

6. Based on the foregoing, the parties stipulate and request that the trial and pretrial conference dates be continued until approximately May 2006, or to a time convenient to the Court.

Dated: January 17, 2006

LAW OFFICES OF MICHAEL E. ADAMS

By: /s/Michael E. Adams

MICHAEL E. ADAMS  
Attorney for Plaintiff

Dated: January 17, 2006

RANKIN, LANDSNESS, LAHDE,  
SERVERIAN & STOCK

By: /s/Michael C. Serverian

MICHAEL C. SERVERIAN  
Attorneys for Defendants

**ORDER**

THE PARTIES HAVING STIPULATED, AND GOOD CAUSE APPEARING, IT IS  
HEREBY ORDERED:

1. Trial in this matter shall be continued until April 17, 2006.
2. The pretrial conference shall be continued to April 11, 2006, 1:30 p.m..

DATED: January 18, 2006

/s/ Howard R. Lloyd  
MAGISTRATE JUDGE HOWARD R. LLOYD